



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

OCT 13 2011

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Steven E. Snow, Manager
River Valley Recycling, LLC
288 W South Tec Drive
Kankakee, Illinois 60901

Re: Finding of Violation
River Valley Recycling, LLC
Kankakee, Illinois

Dear Mr. Snow:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to River Valley Recycling, LLC (River Valley). The FOV is being issued under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). We find that you are in violation of the Clean Air Act, 42 U.S.C. § 7401 *et seq.*, the National Emissions Standards for Hazardous Air Pollutants for Secondary Aluminum Production at 40 C.F.R. Part 63, Subpart RRR, and the regulations for the Protection of Stratospheric Ozone located at 40 C.F.R. Part 82, Subpart F.

We have several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

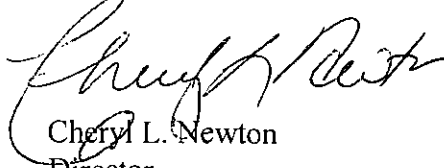
We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Dakota Prentice. You may call him at (312) 886-6761 to request a conference. You should make the request within 10 calendar days following receipt of

this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl L. Newton". The signature is fluid and cursive, with the first name "Cheryl" being more prominent than the last name "Newton".

Cheryl L. Newton
Director
Air and Radiation Division

Enclosure

cc: Ray Pilapil, Manager
Compliance and Systems Management Section
Illinois Environmental Protection Agency

Thor W. Ketzback
Bryan Cave LLP

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	FINDING OF VIOLATION
)	
River Valley Recycling, LLC)	EPA-5-12-IL-01
Kankakee, Illinois)	
)	
)	
Proceedings Pursuant to Section 113(a)(3))	
of the Clean Air Act,)	
42 U.S.C. § 7413(a)(3).)	

FINDING OF VIOLATION

The U. S. Environmental Protection Agency finds that River Valley Recycling, LLC (River Valley) is violating the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.*. Specifically, River Valley is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Aluminum Production at 40 C.F.R. Part 63, Subpart RRR, and the Protection of Stratospheric Ozone under Recycling and Emissions Reduction at 40 C.F.R. Part 82, Subpart F as follows:

Statutory and Regulatory Authority

1. The CAA, 42 U.S.C § 7401 *et seq.*, and the regulations promulgated thereunder, establish a statutory and regulatory scheme designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population.

NESHAP - Secondary Aluminum Production

2. Pursuant to Section 112 of the CAA, 42 U.S.C. § 7412, EPA promulgated the NESHAP for Secondary Aluminum Production at 40 C.F.R. Part 63, Subpart RRR (Subpart RRR).

3. Subpart RRR applies to the owner or operator of each secondary aluminum production facility as defined at 40 C.F.R. § 63.1503.

4. Subpart RRR at 40 C.F.R. § 63.1500(c)(3) states that the requirements of Subpart RRR pertaining to dioxin and furan (D/F) emissions and associated operating, monitoring, reporting and recordkeeping requirements apply to certain affected sources located at a secondary aluminum production facility that is an area source of Hazardous Air Pollutants (HAP). Among

the affected sources covered by the D/F Subpart RRR requirements are all new and existing "sweat furnaces."

5. "Sweat furnace" is defined at 40 C.F.R. § 63.1503 as "a furnace used exclusively to reclaim aluminum from scrap that contains substantial quantities of iron by using heat to separate the low-melting point aluminum from the scrap while the higher melting point iron remains in solid form."

6. Subpart RRR, at 40 C.F.R. § 1505(f), provides that the owner or operator of a sweat furnace at a secondary aluminum production facility must not discharge or cause to be discharged into the atmosphere emissions in excess of 0.80 nanograms of D/F TEQ per dry standard cubic meter (3.5×10^{-10} grams per dry standard cubic feet) at 11 percent oxygen. However, 40 C.F.R. § 1505(f)(1) provides that the owner or operator is not required to conduct a performance test to demonstrate compliance with this D/F emission standard, provided that on and after the compliance date of this rule, the owner or operator operates and maintains an afterburner with a design residence time of 0.8 seconds or greater and an operating temperature at 1600 °F or greater, and the afterburner meets the specifications of 40 C.F.R. § 1505(f)(1).

7. Pursuant to 40 C.F.R. § 63.1506(h)(1), the owner or operator of a sweat furnace controlled by an afterburner must maintain the three-hour block average operating temperature of each afterburner at or above 1600 °F if a performance test was not conducted, and the afterburner meets the specifications of 40 C.F.R. § 63.1505(f)(1).

8. Subpart RRR, at 40 C.F.R. § 63.1510(g), requires the owner or operator of an affected source using an afterburner to comply with the requirements of Subpart RRR to install, calibrate, maintain, and operate a device to continuously monitor and record the operating temperature of the afterburners.

9. Subpart RRR, at 40 C.F.R. § 63.1517(b)(2)(i), states that each affected source with emissions controlled by an afterburner shall maintain records of 15-minute block average afterburner operating temperature, including any period when the average temperature in any 3-hour block period falls below the compliant operating parameter value with a brief explanation of the cause of the excursion and the corrective action taken.

10. 40 C.F.R. § 63.1516(b) states the owner or operator must submit semiannual excess emission/summary reports according to the requirements in 40 C.F.R. § 63.10(e)(3). This section specifies that when no deviations of parameters have occurred, the owner or operator must submit a report stating that no excess emissions occurred during the reporting period. Furthermore, this section specifies that a report must be submitted if any of several specified conditions occur during a 6-month reporting period, including, among other things, an excursion of a compliant process or operating parameter value or range including afterburner operating temperature. See 40 C.F.R. § 63.1516(b)(1)(iv).

Protection of Stratospheric Ozone

11. In accordance with Section 608 of the CAA, 42 U.S.C. § 7671g, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart F, applicable to recycling and emissions reductions of ozone-depleting substances. As stated in 40 C.F.R. § 82.150(a), the purpose of the regulations is to reduce emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances.

12. Under 40 C.F.R. § 82.156(f), persons who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioning unit, motor vehicle air conditioner (MVAC), or MVAC-like appliance are required to either:

- a. Recover any remaining refrigerant from the appliance in accordance with specific procedures described in 40 C.F.R. §§ 82.156(g) or (h); or
- b. Verify that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Such verifications must include a signed statement from the person from whom the appliance or shipment of appliances is obtained that all refrigerant that had not leaked previously has been recovered from the appliances or shipment of appliances. This statement must include the name and address of the person who recovered the refrigerant and the date the refrigerant was recovered or a contract that refrigerant will be removed prior to delivery. 40 C.F.R. § 82.156(f)(2). Any signed statements must be maintained on-site for a minimum of three years. 40 C.F.R. §§ 82.166(i) and (m).

Factual Background

13. River Valley owns and operates a scrap metal recycling and secondary aluminum production facility (the facility) at 288 W South Tec Drive in Kankakee, Illinois. The facility includes two aluminum sweat furnaces. The emissions from each sweat furnace are controlled by a dedicated afterburner.

14. On March 31, 2011, EPA inspected the facility for compliance with the CAA.

15. On May 11, 2011, under Section 114 of the CAA, 42 U.S.C. § 7414, EPA sent a Request for Information to River Valley seeking information about the facility's compliance with the CAA. On July 5, 2011, River Valley submitted a response to EPA.

16. On July 27, 2011, EPA sent a second Request for Information to River Valley seeking information about the facility's compliance with the CAA. On August 16, 2011, River Valley submitted a response to EPA.

17. The facility is a secondary aluminum production facility, as that term is defined in Subpart RRR, and is an area source of HAPs.

18. As the owner or operator of a secondary aluminum production facility that is an area source of HAPs, River Valley is subject to the NESHAP at 40 C.F.R. Part 63, Subparts A and RRR, and the two sweat furnaces at the facility are subject to sweat furnace requirements under Subpart RRR.

19. For each of River Valley's two sweat furnaces, the 3-hour block average afterburner temperature has dropped below the 1600 °F minimum operating temperature at multiple times since 2006. The afterburner temperature excursions are documented in Table No. 1 and No. 2 below.

Table 1: Furnace 1 - Afterburner Temperature Excursions

Date	Duration (hours)	Minimum Temperature During Event (Fahrenheit)
12/2/2006	2	1557.6
6/14/2007	2.5	1597.2
11/29/2007	12	368.6
12/1/2007	4	1188.1
4/28/08-4/30/08	40	54.5
2/11/2009	3.75	1429.7
12/7/2009	3.75	1314
5/2/2010	0.25	1547.8
1/11/2011	1.25	1194.6
1/18/2011	0.25	1585.2
4/12/2011	4.75	926.9

Table 2: Furnace 2 - Afterburner Temperature Excursions

Date	Duration (hours)	Minimum Temperature During Event (Fahrenheit)
11/1/2006	0.25	1,593.60
11/13/06-11/14/2006	28	296
9/8/2007	0.5	1590.1
2/26/08-2/27/08	18	257.7
6/29/2008	3	1514.2
11/29/2009	1	1290.6
8/15/2010	1.5	1159
9/9/2010	4.5	1576.8
9/12/2010	3.25	1574.1
9/12/10-9/13/10	7.5	1542.6
10/14/2010	0.25	1599.2
11/1/2010	0.25	1582
12/1/2010	0.25	1508
3/13/2011	5.5	795.1
3/15/2011	2.5	1125.3
6/2/11-6/3/11	12.5	1503.6

20. At the time of the afterburner temperature excursions, River Valley did not document and explain the cause of each excursion and corrective action taken in accord with 40 C.F.R. § 63.1517(b)(2)(i).

21. River Valley has not submitted any excess emission reports in accord with 40 C.F.R. § 63.1516(b).

22. Based on information collected during the March 31, 2011 inspection and from River Valley's July 5, 2011 response to EPA's Section 114 Request for Information, River Valley has accepted for recycling at the facility small appliances and MVAC components.

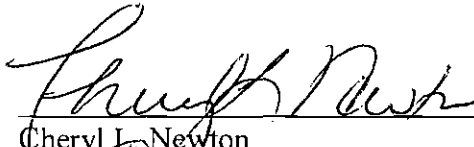
23. Based on information collected during the March 31, 2011 inspection and from River Valley's July 5, 2011 response to EPA's Section 114 Request for Information, River Valley has not used equipment to recover refrigerant from appliances or MVACs previous to April 2011.

24. In its July 5, 2011 response, River Valley stated that it does not require verification statements attesting that the refrigerant has been evacuated and recovered prior to delivery of the appliances or MVACs to the facility.

Violations

25. River Valley is in violation of 40 C.F.R. §§ 63.1506(h)(1) and 63.1517(b)(2)(i) for not maintaining the temperature of the afterburner above 1600 °F for each of its sweat furnaces and not documenting and explaining the cause of each excursion and corrective action taken.
26. River Valley is in violation of 40 C.F.R. § 63.1516(b) for not submitting semi-annual excess emission/summary reports.
27. River Valley is in violation of 40 C.F.R. § 82.156 for not meeting applicable refrigerant recovery requirements.

10/13/11
Date


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, do hereby certify that a Finding of Violation of the Clean Air Act was sent by Certified Mail, Return Receipt Requested, to:

Steven E. Snow, Manager
River Valley Recycling, LLC
288 W South Tec Drive
Kankakee, Illinois 60901

I also certify that I sent copies of the FOV by first class mail to:

Ray Pilapil, Manager
Bureau of Air
Compliance and Enforcement Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

on the 14th day of October, 2011.



Betty Williams
Administrative Program Assistant
Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 70091680 00007672 7938

Attachments

standard bcc's: official file copy w/attachment(s)
 originating organization reading file w/attachment(s)

other bcc's: M. Palermo ORC. C-14J

Creation Date:	October 12, 2011
Filename:	F:\2011\Lawson Products\Lawson FOV.docx
Legend:	ARD:AECAB:AECAS(IL/IN): D. Prentice